

NEW TUNNEL BILL AGREED ON

NOT THE MAYORS—GIVES THE R. T. BOARD FIRST SAY

On Perpetual Franchise to the Pennsylvania Railroad—Mayor Signed the Kelsey Bill and Proposed an Amendment to It—This Caused Displeasure in R. T. Camp—Apparently Set Aside.

ALBANY, March 24.—The Pennsylvania Railroad will go to the Rapid Transit Commission in the first instance for its perpetual franchise in New York City if the Legislature takes the Governor's advice to-morrow. This was settled to-day at a conference in the Executive Chamber. The bill is a compromise only in so far as it permits a perpetual franchise to be granted at all, to which, it is understood, the subway interests objected. The Rapid Transit Commission comes out a little ahead of the Mayor.

Those present at the conference besides the Governor were Senators Stranahan and Assemliman Kelsey, chairman of the Committee on Cities of their respective houses; Speaker Nixon, chairman of the Assembly Committee on Rules, which in the final days of the session takes charge of all legislation in this branch of the Legislature, and Albert B. Boardman, counsel for the Rapid Transit Commission.

The conference agreed upon a bill amending the Rapid Transit law of 1891 so that the power to entertain in the first instance the application for a perpetual franchise shall be given to the Rapid Transit Commission and giving that commission the control in fixing the route of the tunnel to be built by the Pennsylvania Railroad within New York city.

The Assembly Rules Committee will report this bill so that it will be upon the calendar to-morrow, and the Governor will send in an emergency message so that it may be passed at once.

A clause inserted in the compromise bill provides that the tunnel railroad built by the Pennsylvania Railroad in this State shall be subject to the same taxation for State or local purposes as are domestic railroads.

The original Kelsey bill contemplating the grant of a perpetual franchise to the Pennsylvania Railroad by the Aldermen and the Board of Estimate was brought to Albany to-day with the Mayor's approval and a suggested amendment giving the Rapid Transit Commission supervision of route and construction. The Governor had given to understand that it was the Mayor's desire that this bill should not be signed by the Governor pending the action of the Legislature upon the amendment which was introduced in the Senate by Senator Stranahan. Senator Stranahan succeeded in having the amendment advanced to a third reading and referred to the Cities Committee.

MAYOR'S COURSE A SURPRISE

Mayor Low accepted yesterday on behalf of the city the Pennsylvania Railroad tunnel perpetual franchise bill and in doing so he brought himself into direct conflict with the Rapid Transit Commission of which he is a member.

Further than that, he was accused by the interests behind the Rapid Transit Subway Construction Company of acting in bad faith.

Moreover, he sent to Albany an amendment of his own to the Kelsey bill which he said he preferred to the amendment to the Rapid Transit bill which had been agreed on by the city authorities on Saturday. His amendment would give the Rapid Transit Commission power over only the route and manner of construction of the tunnel, leaving the decision as to a perpetual franchise to the Aldermen and the Board of Estimate.

A. T. MEN THROUGHT IT WAS SETTLED.

The men at the back of the Subway Construction Company, however, and their statements are not denied by representatives of the Rapid Transit Commission, that the Mayor on Saturday had led them to believe that the bill which he was to send to Albany would be the Kelsey bill and would at the same time urge the Governor to send an emergency message to the Legislature to pass the bill.

The information was made public on Saturday afternoon after the Mayor had conferred at the offices of the commission with President Alexander E. Orr and Edward M. Shepley and Albert B. Boardman, the counsel to the commission.

There were no representatives of the Pennsylvania Railroad at that meeting, but on Sunday President Cassatt of the Pennsylvania Railroad and John G. Johnson, chief counsel, came on to this city in a special train 90 miles in 70 minutes.

"I did not see Mr. Cassatt or Mr. Johnson," said the Mayor yesterday.

The Corporation Counsel, however, denied that he saw either of the two officials. Mr. Cassatt and several other officials of the Pennsylvania company came to this city again yesterday (Monday) and were met and talked with the Mayor at the City Hall.

MAYOR'S AMENDMENT APPEARS.

After that conference the following amendment to the Kelsey bill which Corporation Counsel Rives called "the Mayor's amendment" was telegraphed to Albany:

Section 1. The Corporation Counsel of the city of New York is authorized to execute a franchise under this act and to cause to be constructed by the Board of Estimate and Apportionment the proposed tunnel and the construction of the proposed tunnel shall be subject to the approval of the Board of Estimate and Apportionment.

The understanding was that the Mayor was to send to Albany the Kelsey bill, but he was apparently failed to carry out this understanding. The Pennsylvania people and the Board of Estimate were perfectly at one upon this question. The agreement was that the amendment to the Rapid Transit bill should be sent to Albany and that the Mayor should send to Albany the Kelsey bill.

It was understood also that it was the intention of the Pennsylvania company to send to Albany the Kelsey bill and that the Mayor should send to Albany the Kelsey bill.

Mayor Low entered the Legislature in a special train at Albany and was met by the Mayor of Albany and the Mayor of New York.

WARY THE MAYOR, HOWEVER, "The object of the act of Mr. Cassatt and the Pennsylvania company is to secure the Pennsylvania company the right of the Mayor's amendment to the Kelsey bill. They say that they will not accept the Mayor's amendment to the Kelsey bill unless the Mayor sends to Albany the Kelsey bill."

Because of this, the Mayor was said to be "wary" of the Pennsylvania company. The Mayor was said to be "wary" of the Pennsylvania company because of this.

for the tunnel; so the Mayor did what he thought would be fair for all parties.

PENNSYLVANIA ROAD DOESN'T CARE WHICH WAY.

Just after he left the Mayor's office yesterday Mr. Cassatt said: "We haven't the least idea which of the two amendments will pass and as a matter of fact we are not greatly concerned as to which one does go through. If the Kelsey bill becomes a law we will have to get our franchise from the Board of Estimate and the Board of Estimate, but if the supplementary Rapid Transit bill should pass we will merely have to wait on the commission. Either course will be satisfactory to us so long as we get our franchise."

Of the plans of the Pennsylvania company Mr. Cassatt said: "Our engineers have practically completed them and just as soon as we get our franchise we will begin digging. Of course it will be necessary for us first to get the consent of property owners before we can start on certain parts of the proposed route, but in case we should encounter any difficulties in this respect we will apply to the courts for relief. It is our purpose to break ground in four different places: one in Jersey City, two in Manhattan and the fourth in Long Island. We hope to have the road in operation in three years."

MAYOR'S LETTER TO GOVERNOR

The Mayor's letter to the Governor says of his memorandum: "At the close of this memorandum I give my reasons for thinking that on the whole the Rapid Transit Commission should have at least so much oversight of the underground roads as to insure consistent and comprehensive system of underground tunnels in the city and to be able to prevent any interference with the development of the subway system constructed at the city's expense."

It seems to me that this result can be obtained by the passage either of the bill prepared by the Rapid Transit Commission referred to in my memorandum, or of a supplementary bill, such as I hand you herewith, amending Assembly bill, No. 1065, just accepted by me on behalf of the city. This second method of procedure has not been the subject of conference between the different interests concerned, but I personally think that it is the better one.

I shall be greatly obliged if you will, at your discretion, transmit one or the other of these measures, or both of them, to the Legislature with an emergency message asking for prompt action on one or the other.

In his memorandum the Mayor holds first, that a perpetual franchise is sometimes admissible and that this is one of the times, some of the reasons being that the railroad company will build the tunnel without it; that it asks for nothing of present value to the city and that, if the city, if it should eventually become the owner of the tunnel, would find it of little value without its connections. He thinks there is little danger that under the general terms of the bill, other less meritorious tunnel schemes will be advanced for tunnels cost too much. He thinks it wiser to put the Rapid Transit Commission in charge of route and construction, and the Pennsylvania Railroad does not object to that; but the improvement is so important that he doesn't want to see a failure of legislation to lodge the power anywhere but in the Legislature.

So he sends his alternative suggestions to the Governor. As to the power to fix compensation, he says that the Kelsey bill will give a perpetual franchise, and that is an amendment to the Charter and under the Charter the Board of Estimate will value the franchise and the Aldermen must concur or dissent. This Charter method of procedure, he says, "affords to the city such security as the character and ability of its public officials can insure under a deliberate system of public opinion opportunity for making itself felt."

BUNCH OF BILLS AMUSES ODELL.

Won't Say What Will Become of the Mayor's Amendment.

Gov. Odell, who was in this city last night seemed to be amused at the opportunity given to him to decide among three kinds of bill to be sent to Albany to-morrow. He was asked by a SUN reporter which of the two amendments he would send to the Legislature.

"I have decided," he said, "to send the amendment to the Rapid Transit act to the Legislature to-morrow morning, so accompanied by an emergency message."

Does that mean that you will send no emergency message about the Mayor's amendment to the Kelsey bill?"

"I didn't say so," the Governor replied. "I will send the Mayor's amendment to the Rapid Transit act to-morrow morning. What I will do about the other supplementary measure I haven't decided upon."

He added: "Just say that I have not yet decided what I will do with the other amendment."

You think there will be time to get even one of the amendments through at this late hour?"

"Yes, I think so," the Governor answered. "I will be back to Albany last night on the 11:30 train. Before he went he said he had sent a reply to the letter Mayor Low had sent him regarding the tunnel bills. Neither he nor the Mayor would give out the reply."

TUNNEL BILL PASSES JERSEY HOUSE.

TRENTON, N. J., March 24.—The Senate bill authorizing a tunnel under the Hudson River from Jersey City to New York, which had such a hard time to get through the upper house, passed the House to-night with but two votes against it. The two voting against the bill were Messrs. Davidson and Bogert of Passaic.

RAT CATCHER CAUGHT IT.

Pays the Court \$5 for Using Threats and Showing a Pistol.

James A. Hogg, a rat catcher, highly recommended, was before Magistrate Deuel in Jefferson Market police court yesterday morning charged with threatening W. E. Rouget, the bookkeeper of Hecht & Co. clothing manufacturers at 124 Fifth street, with bodily injury, also with flourishing a revolver.

Hogg, who had gone to Hecht & Co. to collect a bill for clearing the place of rats, got into a row with Rouget over the account. According to the rat catcher, Rouget called him a "kiss."

"Your Honor," said he, "I've a reputation to maintain and I won't be called that by a fellow who is a rat catcher. I'll show you my revolver. The Pennsylvania people and the Board of Estimate were perfectly at one upon this question. The agreement was that the amendment to the Rapid Transit bill should be sent to Albany and that the Mayor should send to Albany the Kelsey bill."

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MERRY MONSIEUR CAR BELIEVED

Proposition to Mr. Laid Before a Committee for a Plain Majority Vote.

A representative of the United States Steel Corporation and committee regarding the proposed \$200,000 loan issue to the corporation.

There are no many details that have to be taken into account when the loan is made. The loan is made. The loan is made. The loan is made.



A typical Easter Gown from the collection of H. O'Neill & Co., 5th Ave., 20th to 21st St., N. Y.

POLICEMEN UP FOR BRIBERY.

PARTRIDGE DEALING WITH THE EXCISE CASE JEROME TOOK UP.

And He'll Settle Other Blackmail Cases—Department Trials Will Supervise Court Proceedings in Neglect of Duty Cases, the District Attorney Says.

Plainclothes Men Thomas A. Burke and Patrick J. Reid of the East Thirty-fifth street police station, who are accused of receiving a bribe from Herman Goetz, son of a saloonkeeper of 42 Second avenue for violation of the Excise law, went on trial yesterday before Police Commissioner Partridge. Otto A. Rosalsky was counsel for the policemen. Assistant District Attorney Sanford prosecuted and with him were District Attorney Jerome and Assistant District Attorney Gans.

Lawyer Rosalsky contended that Commissioner Partridge had prejudged the case in newspaper interviews and has made a bribe and was therefore incompetent to try it. The Commissioner overruled this objection.

Then Mr. Rosalsky protested against the presence of Mr. Jerome and his assistant, contending that the trial should not be made an incident to criminal prosecution, and the presence of Mr. Jerome indicated that this was the purpose of the District Attorney's office.

"We are here," Mr. Jerome replied, "to prepare for a criminal trial, but to prosecute this case before the Commissioner. I have only to do with a hearing before the Police Commissioner in a matter of police discipline. Matters of this kind come to our attention in the course of duty, and it is our duty to present the case to the other branch of the city government. The Commissioner has no power to exclude us, but we wish to appear."

Col. Partridge overruled the objection to the District Attorney's office being represented, and he overruled also several other motions made by Mr. Rosalsky. Lawyer Rosalsky then demanded separate trials and the case against Burke was heard first.

Saloonkeeper Goetz's son, Herman, was the first witness. He told of Burke and Reid going to the saloon and getting a drink of whiskey. Then, he said, Burke told him that he was under arrest. The man asked for his father and the elder Goetz was called downtown. Reid talked to his father, young Goetz said, and Burke said to him:

"This thing can be settled. I'll make the charge exposure and it will be thrown out of court in the morning."

"I haven't got any money with me," young Goetz said he replied.

"Oh, that's all right," was Burke's alleged answer. "Can't you make some arrangement?"

"You know your own business, go ahead and do it," was Goetz's reply.

"Then he was arrested by the father got back for him. In cross-examination the witness declared that no mention of money had been made by either of the policemen."

His answer, which was read in full before by the District Attorney, asked Mr. Rosalsky:

"I don't know where I'm going and young Goetz, I'm going to the police station. I'm going to the police station. I'm going to the police station."

He was asked to show his revolver. He was asked to show his revolver. He was asked to show his revolver.

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charges upon which policemen shall be held before the Commissioner amount to charges of felony, criminal proceedings will follow. Proceedings for neglect of duty and other misdemeanors may end with trials before the Commissioner.

"If a jury a criminal case must be proved beyond a reasonable doubt," said Mr. Jerome, "preponderance of evidence, as in civil suits, is sufficient to cause a dismissal from the force by the Police Commissioner."

The indictments pending now in the District Attorney's office are for neglect of duty. The policemen named in them are Lizzie Mack's Capt. Gannon, Sergt. Sheila and Wardman Dwyer of the Tenderloin; Detective Sergeant Schenck and Dwyer, who believe that no illegal resort exists in the Tenderloin, and Policeman Cox of the Tenderloin, who with the others was indicted in connection with Laura Maurer's disorderly house in West Thirty-third street. Similar charges are pending against: Warden Burke and Neelut of the Mulberry street station.

"The action before the Police Commissioner Partridge yesterday," form but a beginning of the actions against the police. My office is not supported to war against the Police Department, and can never do its most effective work until it has behind it a regenerated, effective and honest police force."

He said that we have a thoroughly efficient Police Commissioner—one who knows the law, is fair-minded and has backbone. We have one now, and he is going to discipline the department and put it into such shape that he can rely on his men, and that they will know that he is master in fact as well as in position.

"The action before the Police Commissioner will be sharper than in the courts. Also it is nonsense to spend thousands on a criminal trial when you can get a conviction by a specific line of violation. The beginning to-day of the trials of Burke and Reid is the beginning of the cleaning up of the police force and of the destruction of the protective system, as far as it may be destroyed."

STREET CLEANING CROOKS NEXT.

District Attorney is Going After the Blackmailers in Woodbury's Department.

"I have been in conference with Commissioner Woodbury of the Department of Street Cleaning," said District Attorney Jerome yesterday, "over the blackmail system which prevails in that department."

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BLINN HELD FOR HOMICIDE.

"SANITARIUM" MAN BEARS HE'S WANTED AND SURRENDERS.

Charged With Manslaughter and Put Under \$2,000 Bail to Answer for Marie Morris's Death—Other Physicians Clear Themselves—Man in the Case Flees.

Dr. Francis Gray Blinn, proprietor of the "sanitarium" at 165 West Forty-seventh street, in which Marie C. Norris, the Connecticut girl died on Saturday as the result of a criminal operation, walked into the West Forty-seventh street police station yesterday afternoon with his counsel, former Assistant District Attorney, Charles Le Barbier, and surrendered himself. He told Capt. Donohue that he did so because he had read in the newspapers that the police accused him of performing the operation on Miss Norris.

Detective Fitzgerald took Dr. Blinn to the West Side police court where, by request of Coroner Goldenkranz, Magistrate Pool held him on a charge of manslaughter. His examination was set for Wednesday. Bail was fixed at \$2,000. Dr. George Morgan of 71 West 130th street, gave his household goods as security. Dr. Blinn declined to make any statement.

Earlier in the day Coroner Goldenkranz had begun an investigation of the girl's death. His physician, Dr. O'Hanlon, who had made an autopsy, reported the cause of death to be peritonitis, due to a criminal operation. The girl's father, Benjamin C. Norris, made a statement telling how he had believed his daughter to be visiting her grandmother at Danbury, Conn., until he received a telegram on Saturday from Dr. Blinn's sanitarium which said: "I am sick here with appendicitis. Bring me home."

When Dr. Norris and Dr. O'Hanlon and lawyer reached the sanitarium an attendant told them that Miss Norris was dead.

Coroner Goldenkranz allowed Mr. Norris to take his daughter's body home to Connecticut, and the father had the body moved on a train which left the Grand Central yesterday afternoon.

Dr. E. D. Klotz of 236 West Fifty-fifth street, convicted Coroner Goldenkranz that he was not concerned in the case aside from having been called in to attend a woman who was dying.

"I had no acquaintance with Dr. Blinn," said Dr. Klotz, "but simply knew who he was by seeing him in a barber shop."

On Saturday morning Dr. Blinn sent for him, and showing him Miss Norris in a state of collapse, asked if he could suggest anything to bring her around. He didn't think he could, but suggested Dr. Thomas of 216 West Fifty-fifth street, who might inject a salt solution. In the afternoon he received another call to the "sanitarium," and learned there that the girl was dead.

Dr. Thomas said that he didn't know Dr. Blinn but he was called into the Norris case on Saturday. Then he had done what he might inject a salt solution. In the afternoon he received another call to the "sanitarium," and learned there that the girl was dead.

Dr. Blinn told him that there would be a case against him. He said that the girl was old people who would not bother about making trouble for any one. Dr. Blinn, so Dr. Tyler said, had the death certificate prepared for signing.

"Don't you think it strange, doctor, that you didn't tell the police that Dr. Blinn had requested you to sign a death certificate in a case in which you knew nothing as to the cause of the death?" asked the Coroner.

"Why didn't you notify the police?"

"I didn't have time," replied Dr. Tyler. "While he was talking with Dr. Blinn the parents walked in. If they had not walked in just then I would probably have gone to the police."

Coroner Goldenkranz is trying to find Bertha Craig, the nurse whom Magistrate Pool released on Sunday, much to the disgust of the Coroner and the police. The police have visited her home on Staten Island, but have not found her. They are still looking for her.

New Prisoners, Conn., March 24.—A man who is being responsible for her condition left town hurriedly this morning. He was taken to the police station. He was taken to the police station. He was taken to the police station.

He has lived with the Norris for nearly two years. He followed no occupation, but played cards and had made much money he could in easy ways. For several months Marie Norris has seemed infatuated with him.

He was about 37 years old, and was rather plain. The man was about the same age. He has relatives in Waterbury.

EXAMINING BOARD FOR BAR.

New Rules for Admission Adopted by New Jersey Supreme Court.

TRENTON, N. J., March 24.—The continued efforts of the New Jersey State Bar Association to establish a uniform standard for admission to the bar resulted in the adoption and promulgation of a new set of rules by the supreme court to-day.

Under the new rules, the first step in the establishment of a permanent board of three examiners, one member of which will be appointed by the court each year. The following were named to-day to constitute the first board: Charles H. Harris, Trenton; Jersey City, three years; Frank H. Summers, Newark, two years; Howard J. Cooper, Camden, one year.

One of the requirements under the new rules is that a candidate for admission must be a graduate of a high school, or an institution of equal standing, or must pass a satisfactory examination in the subjects taught in the average high school course.

POOLROOM OPENING FIVE O'F.

Even the Brooklyn Handbook Men Having a Hard Time.

The general opening of poolrooms for some weeks and now when racing is in the air, the poolrooms are having a hard time. The poolrooms are having a hard time. The poolrooms are having a hard time.

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WE WELCOME THE CRITIC. SPRING SUITS. TOP COATS.

Suits to stand the crucial test of particular men's criticism; and show forth more praiseworthy under the examination. Every springstyle, including a large variety of the new leader—the black and white mixtures. Values to delight you at all prices from

Beyond the shadow of a doubt we offer the smartest Spring Coats at lowest prices. To prove it, come You'll find our short Top Coats in the smartest length and shades; our graceful Long Coat in black and colors; unmatched at these prices,

\$8 to \$25 \$10 to \$28

Brill Brothers

Four Convenient Stores.

279 Broadway, 47 Cortlandt St., 211 and 219 Sixth Ave., 125th St., Corner 3d Ave.

HOW WITH HAWAIIAN JUDGES.

Editor Smith Summoned for Contempt—The Opposition to the Courts.

HONOLULU, March 12.—Judge Gear of the Supreme Court this morning issued a citation for contempt for Walter G. Smith, editor, and all the employees of the *Advertiser*, which paper has been bitterly attacking the courts for months. This morning a cartoon was published showing Judge Gear in the attitude of blessing a big ruffian for biting a woman's ear. Judge Gear has released nearly one hundred prisoners on various technicalities, and has come to be called "the friend of the criminals."

Cartoons have been published showing him in this attitude nearly every day since the day passed in which he does not release a prisoner on a technicality. Judge Humphreys has also been the subject of numerous cartoons, and he joined in issuing the citation, severely scolding the *Advertiser* for not bringing proceedings before this.

The matter was brought up by C. C. Biting, an attorney in the case which was then pending, the men who were released by Judge Gear having been indicted by the Grand Jury. The punishment for the offense is two years' imprisonment or \$500 fine, and neither Judge will lose the opportunity to punish the newspaper publishers, who have been criticizing the courts since the appointment of these men. Judge Gear has been charged with sleeping on the bench while hearing cases.

The *Star* and the *Independent* are in the same boat as regards their attitude upon the judges, but have published no cartoons, and are not concerned in this case. Only one paper upholds the courts, the *Bulletin*, which is published by A. V. Gear, a brother of the Judge. The hearing on contempt has not been held as yet.

Another case in which the opposition to the present Judges showed itself is that of the Kona Sugar Company. The creditors had agreed among themselves to release the Judges, but have published no cartoons, and are not concerned in this case. Only one paper upholds the courts, the *Bulletin*, which is published by A. V. Gear, a brother of the Judge. The hearing on contempt has not been held as yet.

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